

1 JOHN M. NEUKOM (SBN 275887)
 2 LINDSAY COOPER HAYMAN (SBN
 287125)
 3 DEBEVOISE & PLIMPTON
 4 650 California Street
 San Francisco, CA 94108
 Telephone: (415) 738-5700
 Facsimile: (415) 644-5628
 5 jneukom@debevoise.com
 lchayman@debevoise.com

6 DOUGLAS R. NEMEC (*pro hac vice*)
 7 LESLIE A. DEMERS (*pro hac vice*)
 8 ANTHONY P. BIONDO (*pro hac vice*)
 SKADDEN, ARPS,
 SLATE, MEAGHER & FLOM LLP
 9 One Manhattan West
 New York, New York 10001
 Telephone: (212) 735-3000
 Facsimile: (212) 735-2000
 10 douglas.nemec@skadden.com
 leslie.demers@skadden.com
 anthony.biondo@skadden.com

11
 12 *Attorneys for Plaintiff*
Fortinet, Inc.

13 KELLY C. HUNSAKER (SBN: 168307)
 khunsaker@winston.com
 14 EIMERIC REIG-PLESSIS (SBN: 321273)
 ereigplessis@winston.com
 15 MATTHEW R. MCCULLOUGH (SBN:
 301330)
 mrmccullough@winston.com
 16 WINSTON & STRAWN LLP
 255 Shoreline Drive, Suite 520
 Redwood City, CA 94065
 Telephone: (650) 858-6500
 Facsimile: (650) 858-6550

17 KATHERINE VIDAL (SBN: 194971)
 kvidal@winston.com
 18 WINSTON & STRAWN LLP
 255 Shoreline Drive, Suite 520
 Redwood City, CA 94065
 19 1901 L St., NW
 Washington, D.C. 20036
 *Not admitted to practice in DC
 Telephone: (202) 282-5000
 Facsimile: (202) 282-5100

20 KIMBALL R. ANDERSON (*pro hac vice*)
 21 kanderson@winston.com
 WINSTON & STRAWN LLP
 22 35 W. Wacker Drive
 Chicago, IL 60601-9703
 Telephone: (312) 558-5600
 Facsimile: (312) 558-5700

23 Attorneys for Defendant and Counter-Plaintiff
 24 FORESCOUT TECHNOLOGIES, INC.

25
 26 FORTINET, INC.,
 Plaintiff and Counter-Defendant,
 vs.
 FORESCOUT TECHNOLOGIES, INC.,
 Defendant and Counter-Plaintiff.

27 CASE NO. 3:20-CV-03343-EMC

28 **JOINT STIPULATION AND
~~[PROPOSED]~~ ORDER OF DISMISSAL**

1 Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the parties hereby jointly
 2 stipulate that all claims and counterclaims in this case shall be dismissed as follows:

3 Fortinet's claims for patent infringement (Dkt. 67, Counts I–V), Forescout's counterclaims for
 4 patent infringement (Dkt. 107, Counts VII–XII), and Forescout's counterclaim for tortious
 5 interference (Dkt. 107, Count I) shall be dismissed with prejudice.

6 Forescout's counterclaims for declaratory judgment of invalidity (Dkt. 107, Counts II–VI) and
 7 Fortinet's counterclaims for declaratory judgment of invalidity (Dkt. 135, First through Sixth
 8 Counterclaims) shall be dismissed without prejudice.

9 Each party shall bear its own costs, expenses, and fees.

10 DATED: February 6, 2025

11 Respectfully Submitted:
 12 FORTINET, INC

13 By: /s/ John M. Neukom

14 John M. Neukom
 15 SKADDEN, ARPS, SLATE, MEAGHER & FLOM,
 16 LLP
 17 *Attorneys for Plaintiff Fortinet, Inc.*

18 DATED: February 6, 2025

19 Respectfully Submitted:
 20 FORESCOUT TECHNOLOGIES INC.

21 By: /s/ Kimball R. Anderson

22 Kimball R. Anderson
 23 WINSTON & STRAWN LLP
 24 *Attorneys for Defendant Forescout Technologies, Inc.*

25 **ATTESTATION**

26 I, Kimball R. Anderson, am the ECF user whose identification and password are being used
 27 to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all
 28 signatories hereto concur in this filing.

29 /s/ Kimball R. Anderson

30 Kimball R. Anderson

1 PURSUANT TO STIPULATION, IT IS SO ORDERED
2

3 Date: February 6, 2025

4 
5 Honorable Edward M. Chen
6 United States District Judge
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28